



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,784	06/09/2006	Anthony Scott Oddo	SEDN/PRED115	2599
56015 7590 10/07/2008 PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702				
EXAMINER				
LEWIS, JONATHAN V				
ART UNIT		PAPER NUMBER		
2425				
MAIL DATE		DELIVERY MODE		
10/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,784

**Applicant(s)**

ODDO ET AL.

**Examiner**

JONATHAN LEWIS

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 21-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response applicant's amendment filed July 10, 2008.

Claims 21-34 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments filed July 10, 2008 have been fully considered but they are not persuasive.

Regarding applicant's preliminary matter of examiner's reference to Alexander et al. as "applicant's admitted prior art" is not a typographical error, rather a reference to the inclusion of Alexander et al. in the IDS submitted September 29, 2005.

With regards to claim 21, Alexander et al. does teach all the claimed limitations. Applicants argue that Alexander et al. fails to teach "providing, in response to the detection of a channel change event, a content recommendation," as recited in independent claim 21. Examiner respectfully disagrees. Col. 28, lines 30-52 explicitly states the detection of a channel change event through the monitoring of the user's viewing habits, and col. 31, lines 25-33 clearly states that based on the collected, monitored data, a content recommendation is formulated, "the Watch List."

With regards to claim 24, Alexander et al. does teach all the claimed limitations. Applicants argue that Alexander et al. fails to teach "based on the content viewed by the plurality of users, generating the user perceptible indicator of content, wherein the generating occurs at a change in system state," as recited in independent claim 24. Examiner respectfully disagrees. Col. 28, lines 11-52 discloses the collection of viewer

profile information for “distinguished individual users” and creating “individualized profiles.” Furthermore, col. 29, lines 31-55 does disclose the generation of EPG data, user perceptible indicator of content, based on a change in system state, the types of EPG interactions the user had during a session.

Independent claims 30 and 31 recites relevant limitations similar to those recited in independent claims 21 and 24, and they stand rejected for the same reasons as stated above. All dependent claims stand rejected.

Therefore, examiner respectfully maintains the rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 21-34 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art Alexander et al. (US Pat. No. 6,177,931).**

Regarding claim 21 (new), Alexander et al. teaches a method of displaying content recommendations to a user (Fig. 1, 14 shows the Ad window where content recommendations are displayed to the user), the method comprising: providing, in response to the detection of a channel change event, a content recommendation (col. 28, lines 30-52 discloses the monitoring of the channel change event, and col. 31, lines 25-33 disclose the provision of recommended content based on a channel change); and

allowing a user to selectively view the recommended content or content associated with a newly selected channel (col. 18, lines 1-12).

Regarding claim 22 (new), Alexander et al. teaches the method of claim 21, wherein the content recommendation is provided using one or more of a rating engine, recommendation engine and profile engine (col. 30, lines 45-58).

Regarding claim 23 (new), Alexander et al. teaches the method of claim 21, wherein the content recommendation comprises: generating at least one recommendation of local or remote content (col. 31, lines 34-47).

Regarding claim 24 (new), Alexander et al. teaches a method of providing a user perceptible indicator of available content, the method comprising: monitoring content viewed by a plurality of users (col. 28, lines 11-52); based on the content viewed by the plurality of users, generating the user perceptible indicator of content, wherein the generating occurs at a change in system state (col. 29, lines 31-55); and allowing the user to interact with the user perceptible indicator (col. 31, lines 9-24).

Regarding claim 25 (new), Alexander et al. teaches the method of claim 24, wherein the monitoring comprises: detecting content viewed by a subset of the plurality of users (col. 28, lines 22-29).

Regarding claim 26 (new), Alexander et al. teaches the method of claim 25, wherein the change in system state comprises activation of a client device (col. 28, lines 24-26).

Regarding claim 27 (new), Alexander et al. teaches the method of claim 25, wherein the change in system state comprises activation of a television viewing system or set top box associated with the user (col. 28, lines 30-32).

Regarding claim 28 (new), Alexander et al. teaches the method of claim 25, wherein the change in system state comprises a channel change event (col. 28, lines 33-44).

Regarding claim 29 (new), Alexander et al. teaches the method of claim 25, wherein the interacting further comprises: responding to signals generated by a user-operated remote control device (col. 28, lines 25-26).

System claims 30-34 are rejected for the same reasons as stated above in the corresponding method claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623